

Message Text

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ACTION IO-13

INFO OCT-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 ISO-00
DHA-02 L-03 SS-15 NSC-05 SP-02 H-01 CIAE-00
INR-07 NSAE-00 ORM-02 /094 W
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R 062159Z APR 77
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 3086
INFO AMEMBASSY BUENOS AIRES
USMISSION GENEVA

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E.O. 11652: N/A
TAGS: SHUM, SOCI, SGEN
SUBJECT: HUMAN RIGHTS/NON-GOVERNMENTAL ORGANIZATIONS

1. THE ARGENTINE DELEGATION HAS PROVIDED THE MISSION WITH A COPY OF A NOTE (TRANSMITTED AS LAST PARA) SENT BY THE ARGENTINE PERM REP TO THE USYG FOR POLITICAL AND GENERAL ASSEMBLY AFFAIRS BUFFUM CONCERNING ACTIONS OF ONE OF THE NGOS AT THE 33D SESSION OF THE HUMAN RIGHTS COMMISSION (HRC). THIS NOTE HAS BEEN PROVIDED TO US AND TO OTHER MEMBERS OF THE NGO COMMITTEE WHICH WILL MEET IN RESUMED SESSION APRIL 7-8 IN NY.

2. THE ARGENTINE DELEGATE IS SEEKING CANCELLATION OF THE CONSULTATIVE STATUS OF THE INTERNATIONAL UNIVERSITY EXCHANGE FUND WHICH CIRCULATED AT THE HRC A DOCUMENT, (E/CN.4/NGO/202) ON THE SITUATION OF REFUGEES IN ARGENTINA. (COPY BEING POUCHED IO/HR, HEWITT.) THE ARGENTINES ARGUE THAT SUCH A DOCUMENT, I.E., CLAIMING GROSS AND SYSTEMATIC VIOLATIONS IN A PARTICULAR COUNTRY, IS RECEIVABLE SOLELY AS A COMMUNICATION UNDER ECOSOC RESOLUTION 1503.

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3. WE DO NOT READ RESOLUTIONS 1296(XLIV), 1503(XLVIII) AND 1919(LVIII) AS PRECLUDING CIRCULATION OF DOCUMENTS AIMED AT A PARTICULAR COUNTRY ALTHOUGH RESOLUTION 1296 PUTS NGOS ON NOTICE THAT THE LEVEL OF TOLERANCE OF CRITICISM IS NOT VERY HIGH. PARA 36(B) PROVIDES FOR SUSPENSION OR WITHDRAWAL OF CONSULTATIVE STATUS IF AN

ORGANIZATION CLEARLY ABUSES ITS CONSULTATIVE STATUS BY SYSTEMATICALLY ENGAGING IN UNSUBSTANTIATED OR POLITICALLY-MOTIVATED ACTIONS AGAINST STATES MEMBERS OF THE UN CONTRARY TO AND INCOMPATIBLE WITH THE PRINCIPLES OF THE CHARTER.

4. FURTHER, RESOLUTION 1919 OF 1975 CRITICIZED THE NGOS FOR BREACHES OF CONFIDENTIALITY STATED IN PARA 8 OF RESOLUTION 1503 AND FOR FAILURE TO OBSERVE THE PROVISIONS OF PARA 36(B) OF RESOLUTION 1296. IN OUR VIEW THE CONFIDENTIALITY REQUIREMENT OF 1503 PRECLUDES PUBLIC MENTION OF DOCUMENTATION SUBMITTED FOR CONSIDERATION UNDER THE 1503 PROCEDURES, BUT DOES NOT PRECLUDE EITHER ORAL OR WRITTEN CRITICISM OF A SPECIFIC COUNTRY BY AN NGO. THEY DO THIS, OF COURSE, AT THEIR OWN RISK.

5. OTHER STATEMENTS SIMILAR TO THAT CRITICIZING ARGENTINA WERE SUBMITTED BY NGOS UNDER ITEMS 12 AND 19 OF THE AGENDA. BOTH THE WORLD COUNCIL OF CHURCHES AND AMNESTY INTERNATIONAL SUBMITTED STATEMENTS ON UGANDA (E/CN.4/NGO/193 AND 203). NEITHER OF THESE STATEMENTS, HOWEVER, USED THE TERM "GROSS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS" WHICH IS THE KEY PHRASE ON WHICH ARGENTINA BUILDS ITS CASE AGAINST IUEF.

6. QUOTE NEW YORK, MARCH 30TH., 1977

MR. UNDER-SECRETARY GENERAL,

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I HAVE THE HONOUR TO ADDRESS YOUR EXCELLENCY WITH REFERENCE TO DOCUMENT E/CN.4/NGO/202 (GENERAL DISTRIBUTION) ON ITEMS 12 AND 19 OF THE AGENDA OF THE 33RD. SESSION OF THE COMMISSION ON HUMAN RIGHTS: "QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES". THIS DOCUMENT INCLUDES A DECLARATION SUBMITTED BY THE INTERNATIONAL UNIVERSITY EXCHANGE FUND UNDER THE TITLE: "SITUATION OF REFUGEES IN ARGENTINA", IN ORDER TO (AND I QUOTE): "DRAW THE ATTENTION OF THE COMMISSION ON HUMAN RIGHTS TO THE GROSS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS"...

I WILL NOT ALLUDE TO THE INADMISSIBLE CONTENTS OF THIS DECLARATION, BUT TO THE CONFIDENTIAL PROCEDURE TO BE APPLIED TO THIS SORT OF COMMUNICATIONS IN ACCORDANCE WITH ECOSOC RESOLUTION 1503 (XLVIII), PARTICULARLY ITS PARAGRAPH 8. RESOLUTION 1919 (LVIII) OF THE ECONOMIC AND SOCIAL COUNCIL ALSO CONFIRMS THAT NON-GOVERNMENTAL ORGANIZATIONS IN CON-

SULTATIVE STATUS MUST COMPLY WITHOUT EXCEPTION AND STRICTLY
OBSERVE THE PROVISIONS OF THE ABOVE-MENTIONED PARAGRAPH 8.

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IN SPITE OF THESE PREVAILING RULES, DOCUMENT E/CN.4/NGO/202
HAS BEEN REPRODUCED AND DISTRIBUTED WITH AN INTRODUCTORY
STATEMENT THAT READS AS FOLLOWS: "THE SECRETARY GENERAL
HAS RECEIVED THE FOLLOWING COMMUNICATION, WHICH IS CIRCULATED
IN ACCORDANCE WITH ECOSOC RESOLUTION 1296(XLIV)". FURTHER-
MORE, ECOSOC RESOLUTION 1296 (XLIV) DOES NOT ABOLISH THE
ABOVE-MENTIONED RESOLUTIONS 1503 AND 1919 AND, ON THE CONTRARY,
ITS ARTICLE 24 ASKS FOR THE CELEBRATION OF CONSULTATIONS
BETWEEN THE SECRETARY GENERAL AND THE NON-GOVERNMENTAL
ORGANIZATIONS BEFORE THEIR COMMUNICATIONS WILL BE CONVEYED
IN A WRITTEN FORM.

TAKING THESE CONSIDERATIONS INTO ACCOUNT, I HAVE BEEN INSTRUCTED
TO DRAW TO THE ATTENTION OF YOUR EXCELLENCY THE PREOCCUPATION
AND MALAISE OF THE ARGENTINE GOVERNMENT FOR THE DISTRIBUTION
OF DOCUMENT E/CN.4/NGO/202 BY THE SECRETARIAT OF THE UNITED
NATIONS, IN CONTRADICTION WITH THE PERTINENT RESOLUTIONS OF
THE COUNCIL, AND TO ASK THAT THE NECESSARY MEASURES BE ADOPTED
TO AVOID THE REPETITION OF SUCH PROCEDURES.

I WOULD ALSO LIKE TO EXPRESS THE OPINION THAT THE CANCELLATION
OF THEIR CONSULTATIVE STATUS WILL BE FORESEEN IN ACCORDANCE
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WITH PART VIII OF RESOLUTION 1296 (XLIV) IN THE CASES OF NGO THAT HAVE AFFECTED THE CONFIDENTIALITY AND PARTICIPATED IN ACTIONS AGAINST MEMBER STATES OF THE UNITED NATIONS BY THE DELIVERY OF WRITTEN COMMUNICATIONS OR BY THE INTERVENTIONS IN THE COMMISSION OF HUMAN RIGHTS THROUGH SPOKESMEN OF DUBIOUS REPRESENTATIVITY THAT ARE WIDELY KNOWN MILITANTS OF TERRORISM.

WITH THAT PURPOSE, I FEEL CONFIDENT THAT THE SECRETARIAT WILL PROCEED IN ACCORDANCE WITH THE DECISIONS OF THE UNITED NATIONS AND CONVEY TO THE COMMITTEE IN CHARGE OF NON-GOVERNMENTAL ORGANIZATIONS, THE INFORMATION IT WILL NEED FOR THE COMPLIANCE OF RESOLUTION 1296 (XLIV).

ACCEPT, EXCELLENCY, THE ASSURANCES OF MY HIGHEST CONSIDERATION.

CARLOS ORTIZ DE ROZAS
AMBASSADOR
PERMANENT REPRESENTATIVE UNQUOTE
YOUNG

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Message Attributes

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